

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07-CR-00094-RJC

USA

v.

JOHN LYNN LATTAKER

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ORDER


THIS MATTER comes before the Court upon the defendant's motion to reconsider, (Doc. No. 51), the denial, (Doc. No. 49: Order), of his motion for appointment of counsel, (Doc. No. 48), as well as another motion for appointment of counsel, (Doc. No. 52).

In the instant motions, the defendant continues to seek the assistance of counsel to consider any claims he may have in light of Rehaif v. United States, 139 S. Ct. 2191 (2019). Title 28, United States Code, Section 2255 allows a prisoner to move to vacate a sentence obtained in violation of the Constitution, with certain limitations. However, there is no constitutional right to counsel in proceedings under § 2255. See Crowe v. United States, 175 F.2d 799 (4th Cir. 1949).

IT IS, THEREFORE, ORDERED that the defendant's motions, (Doc. Nos. 51, 52), are **DENIED**. The Clerk's Office is directed to send a form-motion to vacate to the defendant with service of this Order.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, and to the United States Attorney.

Signed: April 6, 2020


Robert J. Conrad, Jr.
United States District Judge

